

01-29-09

15m Rce

PTO/SB/30 (12-08)

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/500,098
Filing Date	12/17/02
First Named Inventor	Anne D. Frame
Art Unit	1654
Examiner Name	Patricia Leith
Attorney Docket Number	83622.00003

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1479.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>Michael David</i>	Date	January 28, 2009
Name (Print/Type)	Michael David	Registration No.	44,642

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Donna Chambers</i>	Date	January 28, 2009
Name (Print/Type)	Donna Chambers		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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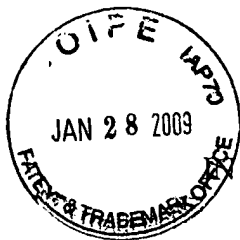
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65.00 DA

02 FC:2251



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Frame, Anne D.)	Group Art Unit:	1654
)		
Serial No.: 10/500,098)	Examiner:	Patricia Leith
)		
Filed: 12/17/02)	Attorney Docket No.:	83622.00003
)		
For: Anti-bacterial Plant Compositions)		

REQUEST FOR CONTINUED EXAMINATION

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed September 30, 2008, a final rejection. A one month extension fee is due. The Examiner is authorized to charge any fee in conjunction with this patent application, now or at any time during prosecution (with the exception of the fee for allowance) to our Account Number 501479.

Amendment To The Claims

Please enter the amendment to claims submitted January 7, 2009, prior to consideration on the merits.

REMARKS

The Applicant's representative wishes to express his appreciation for a telephonic interview held on January 23, 2009. As a consequence of that interview, this RCE is being filed.

Claims 33, 60, and 61 are now canceled, with the limitations of these claims now incorporated into base Claims 32 and 59. Accordingly, the base claims (claims 32 and 59) now contain the limitation "stigmastan-3,5,-diene." Likewise, the base claims now also contain the limitation "assaying the fraction to ascertain the fraction has antibacterial activity." Other amendments clarify meaning, correct antecedent basis, etc. The claim language is well